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FISCAL IMPACT STATEMENT

LS 7208

BILL NUMBER: HB 1532

NOTE PREPARED: Jan 6, 2011

BILL AMENDED:

SUBJECT: Reimbursement of Costs of Delinquent Offenders.

FIRST AUTHOR: Rep. Foley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a county to reimburse the Department of Correction (DOC) for the costs incurred by the DOC for a child from the county who is made a ward of the DOC for a delinquent act other than certain offenses against persons. The bill permits a juvenile court to order a parent or guardian of the estate of a child to pay or reimburse the county or the DOC for these costs. It also repeals a provision transferring the obligation of paying for incarcerated delinquent offenders from the county to the state.

Effective Date: January 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: This bill requires a county to reimburse the Department of Correction for the costs of secure detention for juvenile delinquents. This bill also allows the DOC to request a juvenile court to consider if an adjudicated juvenile delinquent's parent(s) should pay for or reimburse DOC for the costs of services provided. This will increase revenue the DOC receives and help offset DOC expenditures on services provided to juvenile delinquents.

The average daily population for CY 2009 of DOC secure juvenile detention facilities (both male and female) was 889. The average per diem cost for all seven juvenile secure detention facilities for FY 2010 was \$197. If all 889 juvenile delinquents in DOC facilities were to be financed by counties that order secure juvenile detention in DOC facilities, this bill could generate \$64 M in revenue to the DOC.

Explanation of Local Expenditures: This bill will increase county expenditures to pay for secure detention services provided by DOC to juvenile delinquents. For every juvenile offender a county juvenile court

commits to secure juvenile detention in the DOC, county expenditures could increase by a maximum of \$72,000 per year. This amount can be offset to the extent county juvenile courts require the parent(s) or guardian(s) of a juvenile delinquent to pay for some, if not all, of the costs of secure detention.

This bill would repeal the section of HEA 1001-2008 that transfers the obligation to the state and eliminates the ability to levy a property tax. However, this bill does not increase the counties' maximum levy authority. A property tax levy, if any, for juvenile incarceration would reduce the amount that counties may levy for other purposes. Overall county property tax levies would remain unchanged.

Additionally, this bill may increase local court workload to hold additional hearings to determine if an adjudicated juvenile delinquent's parent(s) should provide reimbursement for the costs of services provided.

Background Information: Beginning in CY 2009, the obligation to pay for juvenile incarceration was transferred from counties to the state under HEA 1001-2008. County maximum levies were reduced by the cost to counties for juvenile incarceration. Currently, counties may not impose a levy to pay for juvenile incarceration.

Explanation of Local Revenues: See *Explanation of Local Expenditures*, above.

State Agencies Affected: DOC.

Local Agencies Affected: Local juvenile courts, local county government.

Information Sources: DOC 2009 Offender Population Statistical Report; DOC FY 2010 Expenditure Report for Juvenile Facilities.

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